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Claimant The Michael J. Miske, Jr. Revocable Living Trust and
Putative Claimant N.M., a minor

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

No. 1:25-cv-00028 DKW-KJM

Plaintiff,

v.

REAL PROPERTY LOCATED AT 6
LUMAHAI STREET IN PORTLOCK,
HAWAII, TOGETHER WITH ALL
APPURTENANCES AND
IMPROVEMENTS; ET AL

**STIPULATION AND
[PROPOSED] ORDER TO
EXTEND DEADLINE FOR
CERTAIN CLAIMANTS TO
FILE MOTION TO DISMISS
OR ANSWER TO
COMPLAINT**

Defendant *in rem*.

THE MICHAEL J. MISKE, JR.
REVOCABLE LIVING TRUST,

Claimant.

N.M., a minor,

Putative Claimant.

/

PLAINTIFF UNITED STATES OF AMERICA, CLAIMANT THE
MICHAEL J. MISKE, JR. REVOCABLE LIVING TRUST, AND PUTATIVE
CLAIMANT N.M. HEREBY STIPULATE AS FOLLOWS:

WHEREAS:

1. On January 22, 2025, Plaintiff filed a complaint for forfeiture *in rem* against 27 Defendant properties associated with the late Michael J. Miske, Jr. and/or his entities. Miske died in late 2024. Doc. 1.

2. On April 2, 2025, The Michael J. Miske, Jr. Revocable Living Trust entered the case by filing a verified claim opposing forfeiture. Doc. 24.

3. On April 8, 2025, N.M., a minor, filed a motion to appoint her a Next Friend or Guardian ad Litem to appear on her behalf and otherwise litigate her own claim in this action, pursuant to Federal Rule of Civil Procedure 17(c)(2). Doc. 26. On that same day, N.M. filed/lodged a verified claim opposing forfeiture. Doc. 27. Said motion is still pending.

4. Rule G(5)(b), Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions, provides that a “claimant must serve and file an answer to the complaint or a motion under Rule 12 within 21 days after filing the claim.”

5. On April 15, 2025, the above identified parties’ respective counsel met and conferred regarding a number of issues in this matter, including a potential motion by the Trust and/or N.M. to dismiss this action, or certain Defendants therefrom, via Rule 12(b)(6) challenging the timeliness of the complaint under 19 U.S.C. § 1621 (providing that a complaint must be filed within five years after the time when the alleged offense was discovered, or within 2 years after the time when the involvement of the property in the alleged offense was discovered).

6. Plaintiff indicated it intends to file an Amended Complaint as a matter of course under Rule 15(a)(1)(B) by April 30, 2025, which is 21 days after the first filed Answer.

7. As noted, Rule G(5)(b) requires Michael J. Miske, Jr. Revocable Living Trust to file an answer to the complaint or a motion to dismiss under Rule 12 within 21 days after filing the claim, or by next Tuesday, April 22, 2025.

8. As noted, Putative Claimant N.M. would presumably be required by statute to file an answer or motion to dismiss by April 28, 2025. However, an order granting minor N.M.'s still pending motion to appoint, or an order otherwise appointing a representative for a minor to appear in this action, is a necessary prerequisite for N.M. to file either an answer or motion to dismiss.

9. Counsel for the above-identified Claimants submits that the above constitutes good cause for an extension, and that an extension of the deadline for said Claimants to file an answer to the complaint or motion to dismiss would serve judicial economy and conserve resources of all concerned.

10. Plaintiff agrees to such an extension.

11. THEREFORE, counsel for the above parties stipulate to and request that the Court enter an order extending the deadline within which Claimant The Michael J. Miske, Jr. Revocable Living Trust and Putative Claimant N.M. may serve and file an answer to the complaint or a motion under Rule 12, by 30 days, up to and including May 9, 2025.

Dated: April 16, 2025

Respectfully submitted,

/s/Edward M. Burch
EDWARD M. BURCH
Law Offices of Michael and Burch

Attorney for Claimant The Michael J.
Miske, Jr. Revocable Living Trust and
Putative Claimant N.M.
Putative Claimant N.M., a minor

Dated: April 16, 2025

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/s/ Craig S. Nolan
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Attorneys for Plaintiff
UNITED STATES OF AMERICA

Based on the above Stipulation and good cause appearing, the deadline for Claimant The Michael J. Miske, Jr. Revocable Living Trust and Putative Claimant N.M. to serve and file an answer to the complaint or a motion under Rule 12, is hereby extended to May 9, 2025.

APPROVED AND SO ORDERED.

Date: ____ April 2025

HONORABLE DERRICK K. WATSON
United States District Judge